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FAX TRANSMISSION

Date: November 7, 2008
To: Examiner R. Chang GAU 3726 U.S. Patent and Trademark Office
Fax: 571-273-8300
From: William J. Clemens
Re: 16494

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COMMENTS: Please see the following Response for filing in the patent application S/N
10/670,954. Thank you.

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By

William J. Clemens
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: LUSTENBERGER et al.)	Group Art Unit: 3726
)	
Serial No.: 10/670,954)	Examiner: R. Chang
)	
Filed: September 25, 2003)	Attorney Docket: 16494
)	
For: <u>CABLE-PROCESSING MACHINE ...</u>)	<u>Confirmation No.: 7063</u>

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

Honorable Sir:

In response to the restriction requirement set forth in the Office Action dated October 22, 2008, Applicant again elects Species 1, the invention recited in the apparatus Claims 17-32. Applicant made the same election in the response filed on July 24, 2008.

Applicant makes this election with traverse for the reasons set forth below.

As the basis for the restriction requirement, the Examiner stated:

This application contains claims directed to the following patentably distinct species:

Species 1: claims 17-32, drawn to a cable-processing apparatus having a platform, a turntable rotatably mounted on the platform with the swiveling arm being attached to the turntable.

Species 2: claim 33, drawn to a cable-processing apparatus having a cable tray.

The species are independent or distinct because claims to the different species recite the mutually exclusive characteristics of such species. In addition, these species are not obvious variants of each other based on the current record.

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Claims 17-32 do not recite the cable tray that is included in Claim 33. However, there is no language in Claims 17-32 that would exclude the use of a cable tray with the cable-processing apparatus.

The Examiner has incorrectly characterized Claims 17-32 as being drawn to "a cable-processing apparatus having a platform, a turntable rotatably mounted on the platform with the swiveling arm being attached to the turntable." Independent Claims 17 and 26 and dependent Claims 18, 19, 23-26, 27, 31 and 32 do not include a platform and a turntable. All of the elements recited in Claims 17 and 26 are also recited in Claim 33 and there are no mutually exclusive characteristics.

For the above reasons, Applicant requests that the Examiner withdraw the restriction requirement.

In view of the above remarks, Applicant believes that the claims of record now define patentable subject matter over the art of record. Accordingly, an early Notice of Allowance is respectfully requested.

Respectfully submitted,


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